IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Tr.P(C).No. 59 of 2007

MC.849/2006 of FAMILY COURT, PALAKKAD

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PETITIONER

ABDUL RASHEED, AGED 39 YEARS,
S/O.NAGOOR VEERAN, KALLAMPARAMBIL HOUSE,
MANNOOR AMSOM AND DESOM, PALAKKAD TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. SABIRA, D/O.SAIDU BAVA,
CHULLIKKATTIL HOUSE, PARAKKAD,
KALLADIKKODE AMSOM AND DESOM, MANNARKAD TALUK.

2. SAIFUDHEEN,
S/O.ABDUL RASHEED, MINON, REPRESENTED BY MOTHER
SABIRA, D/O.SAIDU BAVA, CHULLIKKATTIL HOUSE,
PARAKKAD, KALLADIKKODE AMSOM AND DESOM,
MANNARKKAD TALUK.

3. SALAHUDEEN,
S/O.ABDUL RASHEED, AGED 5 YEARS,
MINOR, REPRESENTED BY MOTHER SABIRA,
D/O.SAIDU BAVA, CHULLIKKATTIL HOUSE,
PARAKKAD, KALLADIKODE AMSOM AND DESOM,
MANNARKKAD TALUK.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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Tr.P.(C)NO.59 OF 2007

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Dated this the 13th day of March 2007

ORDER

The petitioner is the respondent in M.C.849/06 on the file of the Family Court, Palakkad. He is the husband of the first respondent and father of respondents 2 and 3 in this petition. His grievance is that the M.C. case is being posted at the camp sitting of the Palakkad Family Court at Mannarkkad and when he appears for the case he is being threatened and intimidated by the father and other relatives of the first respondent. However, no such complaint is filed by him before the authorities in the matter. If there is any such threat, he can inform the matter to the Judge of the Family Court. It is not a reason for transfer of the case or for a direction being given to the Family Court, Palakkad to post M.C.849/06 at Palakkad itself and not at its camp sitting at Mannarkkad. It is his further case that C.C.476/06 is pending before the Judicial First Class Magistrate-II, Palakkad and so the first respondent has to appear for that case and therefore no inconvenience will be caused to her in the event of M.C. case also being transferred or directed to be taken

up at the sitting of the Family Court at Palakkad. C.C.476/06 is charge sheeted by the police against the petitioner for offence under Section 498(A) of the IPC. The first respondent need come for that case only when she is summoned to give evidence as a witness. Thus I see no reason why the first respondent/wife has to be directed to appear in the Family Court at its sitting at Palakkad causing much inconvenience and expense for her.

In the result, I dismiss this transfer petition.

K.P.BALACHANDRAN, JUDGE

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